

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-16728-2022

DATE OF DECISION: APRIL 29, 2022

RIYAZ

...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. BALJEET BENIWAL, ADVOCATE FOR THE PETITIONER.
MR. BHUPENDER SINGH, DAG, HARYANA.

MANOJ BAJAJ, J.(ORAL)

Petitioner has filed this second petition under Section 439 Cr.P.C. for grant of regular bail pending trial in case FIR No.156 dated 25.8.2020, under Section 420 IPC and Section 66-D of IT Act, 2003 (offence under Section 419/467/468/471/120-B read with Section 34 IPC added later on), Police Station Cyber Crime, Gurugram, who is in custody since his arrest on 22.9.2020.

As per the FIR, on 07.08.2020, complainant Bhawna submitted a complaint before the police stating that she was having a bank account bearing No.309005407525 in RBL Bank, Palam Square, Gurugram and during the period 19.07.2020 to 20.07.2020, an amount of Rs.38,63,893/- was withdrawn fraudulently by some unknown persons from her abovesaid account without her knowledge. On these allegations, the above FIR was registered.

Learned counsel for the petitioner has argued that the petitioner was implicated in this case on the basis of statement of co-accused Junaid.

He further submits that similarly situated co-accused of the petitioner, namely, Ramak has already been released on regular bail by this Court on 22.3.2022, passed in CRM-M-1993-2022, therefore, the petitioner be also released on regular bail.

On the other hand, learned State counsel assisted by Inspector Anand Kumar has opposed the aforesaid prayer, however, it is not disputed that co-accused of the petitioner has also been released on regular bail.

Considering the above background, custodial period of the petitioner and the fact that similarly situated co-accused of the petitioner has already been released on regular bail, therefore, further detention of the petitioner behind the bars may not served any useful purpose.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail in the above case, subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

April 29, 2022
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No